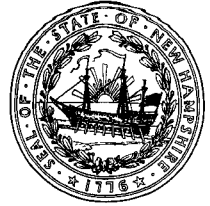




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 16, 2006

LETTER OF DEFICIENCY #WSEB 06-085
Certified Mail #7000 1670 0001 2915 6311

Ray Buxton, Jr.
Newfields Village Water & Sewer District
12 Dixon Ave
PO Box 142
Newfields, NH 03856

Subject: Newfields - Public Water System: Newfields Village Water and Sewer District
(EPA #1681010)

Dear Mr. Buxton:

The records of the NH Department of Environmental Services ("DES") show that Newfields Village Water and Sewer District is classified as a public water system ("PWS"), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 320 through 330.

The enforceable maximum contaminant level ("MCL") for Arsenic is 0.010 mg/L. For systems on quarterly monitoring, compliance with the MCL is determined by the running annual average ("RAA"). The RAA is defined as the average of sample results collected over the last 12 month period. DES has determined that the most recent RAA for Source 506: Sargent Tebo/BRW 6 to be 0.015 mg/L. As such, Newfields Village Water and Sewer District has exceeded the Arsenic MCL and a violation of Env-Ws 326.10 has occurred.

DES acknowledges receipt of proof public notice for the Q1 and Q2 2006 Arsenic MCL violations. In each case, the DES-supplied public notice template has been filled out and mailed to customers, along with a cover letter from the Newfields Water and Sewer District. DES believes that two sentences contained in the cover letter serve to nullify the purpose of the public notices, in violation of 40 CFR 141.205(c) and Env-Ws 351.09. One sentence "assures" customers that Newfields water is "of excellent quality." Although the quoted comments are subjective opinions, issuing such statements along with the public notices impermissibly undercuts the purpose of notifying customers that Newfields water continues to exceed the arsenic MCL level and that the situation has potential health implications. For this reason, future public notices containing the quoted comments will not be accepted by DES.

DES believes the MCL violation(s) can be corrected and future violations prevented by taking the following actions:

1. **By *September 18, 2006***, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and
2. **By *November 16, 2006***, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
3. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
4. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
5. Continue to sample in accordance with your Master Sampling Schedule, which includes quarterly sampling for Arsenic. A copy is enclosed.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows
or faxed to (603) 271-5171:**

Leah McKenna
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Further review of your system's water quality indicates that your system has also had a history of Manganese detections above the secondary maximum contaminant levels (SMCL) established for these compounds. These are aesthetically based standards; as such compliance with the SMCL is required should consumer complaints arise.

For your information, fact sheets on Arsenic and Manganese are available at: <http://www.des.state.nh.us/ws.htm>. These include general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Bob Mann, P.E may be able to answer questions concerning treatment for the aforementioned contaminant(s). He may be reached at (603) 271-2953 or via email at rmann@des.state.nh.us. Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Leah McKenna, at (603) 271-0655 or by email at lmckenna@des.state.nh.us.

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Encl Master Sampling Schedule
 Report submittal information sheets

cc w/ encl(s): Peter Hellfach, Primary Operator

cc: Gretchen R. Hamel, DES Legal Unit Administrator
 Eugene Perreault, Town of Newfields Health Officer
 ✓EPA, Region 1
 File

ec: Cindy Klevens, P.E., DES
 Bob Mann, P.E., DES
 Dave Gordon, DES BEOH
 Jack Shields, GSRWA
 Robert Morancy, RCAP Solutions, Inc.